

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
FRANCISCO RAMOS, *individually and  
on behalf of others similarly situated*,

Plaintiff,

-against-

ALEX AUTO PARTS, INC., ALEXANDER  
MEZO, JUAN CARLOS CALDERON, and  
EDWIN FERNANDEZ, as individuals,

Defendants.

ANALISA TORRES, District Judge:

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20 Civ. 5079 (AT)

**ORDER**

Plaintiff commenced this action on July 2, 2020. ECF No. 1. As this action brought claims under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, the Court referred this action to mediation on August 5, 2020. ECF No. 11. The resulting mediation, held on October 29, 2020, was unsuccessful. ECF No. 16 at 1. On March 31, 2021, however, Plaintiff informed the Court that the parties had re-engaged in settlement discussions and were close to reaching an agreement. ECF No. 20 at 1. The Court advised the parties that to the extent they sought dismissal with prejudice, they would be required to obtain approval of the settlement from either the Court or the Department of Labor (“DOL”). ECF No. 21 at 1. The Court accordingly directed the parties to file a letter motion along with the proposed settlement agreement seeking the Court’s approval of the settlement by May 5, 2021. *Id.* The parties failed to comply with that order. On May 6, 2021, Plaintiff sought an extension of time for the parties to file their settlement submissions. ECF No. 22. The Court granted that request and ordered the parties to file their submissions by May 26, 2021. ECF No. 23. The parties again failed to comply with that order without explanation or seeking further extension. On June 28, 2021, the Court issued another order, directing the parties to file their submissions by July 6, 2021. ECF No. 24. For the third time, the parties failed to comply with the Court’s order.

Under Rule 41(b) of the Federal Rules of Civil Procedure, an action may be dismissed “[i]f the plaintiff fails to prosecute or to comply with [the Federal Rules] or a court order.” Fed. R. Civ. P. 41(b). The Court is inclined to dismiss the action under Rule 41(b) because Plaintiff has repeatedly failed to comply with the Court’s orders regarding the parties’ settlement submissions. Accordingly, by **August 17, 2021**, Plaintiff shall file a letter showing cause why this action should not be dismissed for their repeated failure to comply with court orders. Failure to respond will result in dismissal of this case.

SO ORDERED.

Dated: August 3, 2021  
New York, New York

  
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ANALISA TORRES  
United States District Judge

